

# Calendar No. 1234

73<sup>d</sup> CONGRESS }  
2d Session }

SENATE

{ REPORT  
{ No. 1155

## ESTABLISH A MINIMUM AREA FOR THE GREAT SMOKY MOUNTAINS NATIONAL PARK, AND FOR OTHER PURPOSES

MAY 10 (calendar day, MAY 24), 1934.—Ordered to be printed

MR. WAGNER, from the Committee on Public Lands and Surveys, submitted the following

### REPORT

[To accompany H.R. 7360]

The Committee on Public Lands and Surveys, to whom was referred the act (H.R. 7360) to establish a minimum area for the Great Smoky Mountains National Park, and for other purposes, having considered same report favorably thereon with the recommendation that the act do pass without amendment.

The House Committee on the Public Lands incorporated in the act the amendments suggested by the Secretary of the Interior, and facts concerning the proposed legislation are set forth in the report of the House Committee on the Public Lands as follows:

[H.Rept. No. 982, 73d Cong., 2d sess.]

The Committee on the Public Lands, to whom was referred the bill (H.R. 7360) establishing a minimum area for the Great Smoky Mountains National Park, and for other purposes, having considered same, report favorably thereon with the recommendation that the bill do pass with the following amendments:

Page 2, line 5, strike out the word "purchase" and insert in lieu thereof the word "acquisition".

Page 2, line 9, strike out the word "purchase" and insert in lieu thereof the word "acquisition".

Page 2, line 10, after the word "lands" insert the words "by purchase, condemnation, or otherwise".

Page 2, line 14, strike out the word "purchased" and insert in lieu thereof the words "and hereafter acquired".

Facts concerning the proposed legislation are set forth in the favorable letter of the Secretary of the Interior, and the Executive order authorizing the purchase of land for emergency conservation work, which are herein set out in full and made a part of this report.

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[In compliance with paragraph 2a of rule XIII of the Rules of the House of Representatives, changes in existing law made by the bill are shown as follows: Existing law proposed to be omitted is enclosed in black brackets; new matter is printed in italics; existing law in which no change is proposed is shown in roman. No specific language of any statute is repealed or amended, but for the information of Members of Congress the act of May 22, 1926, referred to in the bill, is hereafter set forth.]

[PUBLIC—No. 268—69TH CONGRESS]

[S. 4073]

AN ACT To provide for the establishment of the Shenandoah National Park in the State of Virginia and the Great Smoky Mountain National Park in the States of North Carolina and Tennessee, and for other purposes

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled*, That when title to lands within the areas hereinafter referred to shall have been vested in the United States in fee simple there shall be, and are hereby, established, dedicated, and set apart as public parks for the benefit and enjoyment of the people, the tract of land in the Blue Ridge, in the State of Virginia, being approximately five hundred and twenty-one thousand acres recommended by the Secretary of the Interior in his report of April 14, 1926, which area, or any part or parts thereof as may be accepted on behalf of the United States in accordance with the provisions hereof, shall be known as the Shenandoah National Park; and the tract of land in the Great Smoky Mountains in the States of North Carolina and Tennessee being approximately seven hundred and four thousand acres, recommended by the Secretary of the Interior in his report of April 14, 1926, which area, or any part or parts thereof as may be accepted on behalf of the United States in accordance with the provisions hereof, shall be known as the Great Smoky Mountains National Park: *Provided*, That the United States shall not purchase by appropriation of public moneys any land within the aforesaid areas, but that such lands shall be secured by the United States only by public or private donation.

SEC. 2. The Secretary of the Interior is hereby authorized, in his discretion, to accept as hereinafter provided on behalf of the United States title to the lands referred to in the previous section hereof and to be purchased with the \$1,200,000 which has been subscribed by the State of Virginia and the Shenandoah National Park Association of Virginia and with other contributions for the purchase of lands in the Shenandoah National Park area, and with the \$1,066,693, which has been subscribed by the State of Tennessee and the Great Smoky Mountains Conservation Association and by the Great Smoky Mountains (Incorporated) (North Carolina) and with other contributions for the purchase of lands in the Great Smoky Mountains National Park area.

SEC. 3. That the administration, protection, and development of the aforesaid parks shall be exercised under the direction of the Secretary of the Interior by the National Park Service, subject to the provisions of the act of August 25, 1916, entitled "An act to establish a National Park Service, and for other purposes", as amended: *Provided*, That the provisions of the act approved June 10, 1920, known as the Federal Water Power Act, shall not apply to these parks: *And provided further*, That the minimum area to be administered and protected by the National Park Service shall be for the Shenandoah National Park area two hundred and fifty thousand acres and for the Great Smoky Mountains National Park area one hundred and fifty thousand acres: *Provided further*, That no general development of either of these areas shall be undertaken until a major portion of the remainder in such area shall have been accepted by said Secretary.

SEC. 4. The Secretary of the Interior may for the purpose of carrying out the provisions of this act employ the commission authorized by the act approved February 21, 1925.

Approved, May 22, 1926.

THE SECRETARY OF THE INTERIOR,  
Washington, February 23, 1934.

HON. RENÉ L. DEROUEN,  
Chairman Committee on the Public Lands,  
House of Representatives.

MY DEAR MR. CHAIRMAN: I have received your letter of January 31, enclosing copy of H.R. 7360, entitled "A bill to establish a minimum area for the Great Smoky Mountains National Park, and for other purposes", with request for report thereon.

Under the provisions of the act of May 22, 1926 (44 Stat. 616), a minimum of 427,000 acres is established for the Great Smoky Mountains National Park, and upon the best figures then available the total cost of said acreage was estimated at \$10,000,000. Upon the basis of that figure for the acquisition of the land necessary for the completed minimum park the Laura Spelman Rockefeller Foundation made available by donation in memory of Laura Spelman Rockefeller the sum of \$5,000,000 toward the establishment of the park, one half from the Foundation and one half from other sources. It developed during the actual acquisition program that in some cases original estimates were too low, and as a result the lands that can be acquired within the basic estimate of \$10,000,000 will amount to only approximately 400,000 acres. The purpose of section 1 of H.R. 7360 therefore is to reduce the minimum acreage for the establishment of the park to 400,000 acres to come within the \$10,000,000 estimated cost for the completion of the nucleus and on the basis of which the Laura Spelman Rockefeller Foundation funds were made available. The actual purchase program involves a park of about 440,000 acres, more or less.

Section 2 of the bill would make available for the purchase of land for the park Federal funds that have been allocated for the purchase of land in the park area for emergency conservation work purposes. Without this authorization such lands while within the authorized park area technically would not be in fact a part of the park. The Attorney General has ruled that the status of lands authorized to be acquired for a specific purpose cannot be changed to another use or purpose except by Congress. Several slight amendments in this section of the proposed legislation, however, would appear desirable to facilitate the acquisition program under such funds. It is therefore suggested that the following amendments be made:

- (1) Page 2, line 5, change the word "purchase" to "acquisition".
- (2) Page 2, line 9, change the word "purchase" to "acquisition".
- (3) Page 2, line 10, after the word "lands" insert "by purchase, condemnation, or otherwise".
- (4) Page 2, line 14, strike out the word "purchased" and insert in lieu thereof the words "and hereafter acquired".

The Bureau of the Budget advises that this proposed legislation is in accord with the financial program of the President, and with amendments as indicated above, I recommend that it be given favorable consideration by the Congress.

Sincerely yours,

HAROLD L. ICKES, *Secretary of the Interior.*

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EXECUTIVE ORDER NO. 6542.—AUTHORIZING THE PURCHASE OF LAND FOR  
EMERGENCY CONSERVATION WORK

Whereas various lands have been or are being acquired by the United States for national-park or national-monument purposes in areas known as (1) Great Smoky Mountains National Park, North Carolina and Tennessee, (2) Shenandoah National Park Project, Virginia, (3) Mammoth Cave National Park Project, Kentucky, and (4) Colonial National Monument, Virginia; and

Whereas such lands lack adequate and proper protection from forest fires, floods and soil erosion, plant pest, and disease control by reason of the present condition of privately owned lands contiguous thereto or intermingled therewith; and

Whereas the purchase by the United States of such privately owned lands will permit work and improvements thereon that will provide protection for the aforesaid public lands from forest fires, floods and soil erosion, plant pest, and disease control and aid in the restoration of the country's depleted natural resources; and

Whereas the purchase of such lands will further provide employment for citizens of the United States who are unemployed;

Now, therefore, by virtue of the authority vested in me by the act of Congress entitled "An act for the relief of unemployment through the performance of useful public work, and for other purposes", approved March 31, 1933 (Public, No. 5, 73d Cong.), the acquisition of such of the aforesaid lands, by purchase or otherwise, as are suitable and necessary for the aforesaid purposes, is hereby authorized; and by virtue of the authority vested in me by the Fourth Deficiency Act, fiscal year 1933, approved June 16, 1933 (Public, No. 77, 73d Cong.), the sum of \$2,325,000 is hereby allocated for the acquisition of said lands (including

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the costs incident to acquisition) from the appropriation made by the said deficiency act for carrying into effect the provisions of the said act of March 31, 1933.

The sum herein allocated for the purchase of said lands shall be transferred by the Treasury Department to the credit of the War Department and shall, upon request of the Chief of Finance, under the direction of the Director of Emergency Conservation Work, be transferred by the Treasury to the credit of the Department of the Interior; and the funds so transferred shall be withdrawn on requisition by the Director of the Office of National Parks, Buildings, and Reservations, Department of the Interior, for the purchase of said lands and may be expended either directly by the Director of the Office of National Parks, Buildings, and Reservations, under the direction of the Secretary of the Interior, or through such other agencies, Federal or otherwise, as the Secretary of the Interior may designate, such expenditures to be made under his direction.

THE WHITE HOUSE,  
December 28, 1933.

FRANKLIN D. ROOSEVELT.

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